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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,479	02/22/2002	Paul Giampavolo	P/1759-85	4324
2352	7590	01/23/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 01/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/082,479	Applicant(s) GIAMPAVOLO, PAUL	
	Examiner Korie H. Chan	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,4,13,14,18,26-29,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,13,14,18,26-29,31,32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 112***

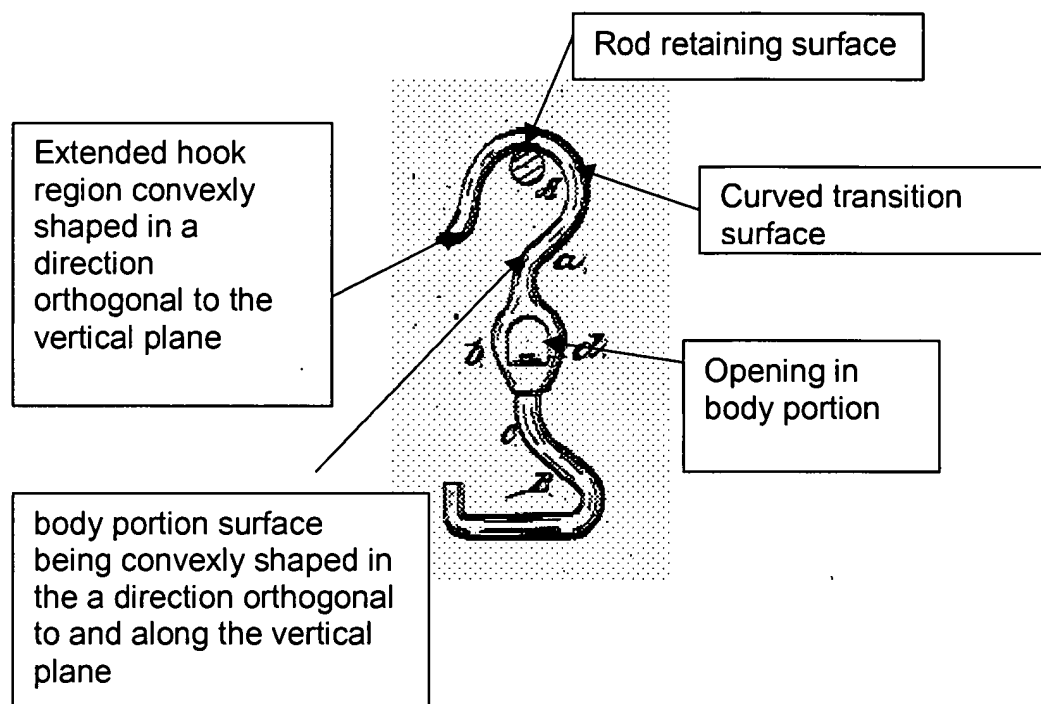
The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

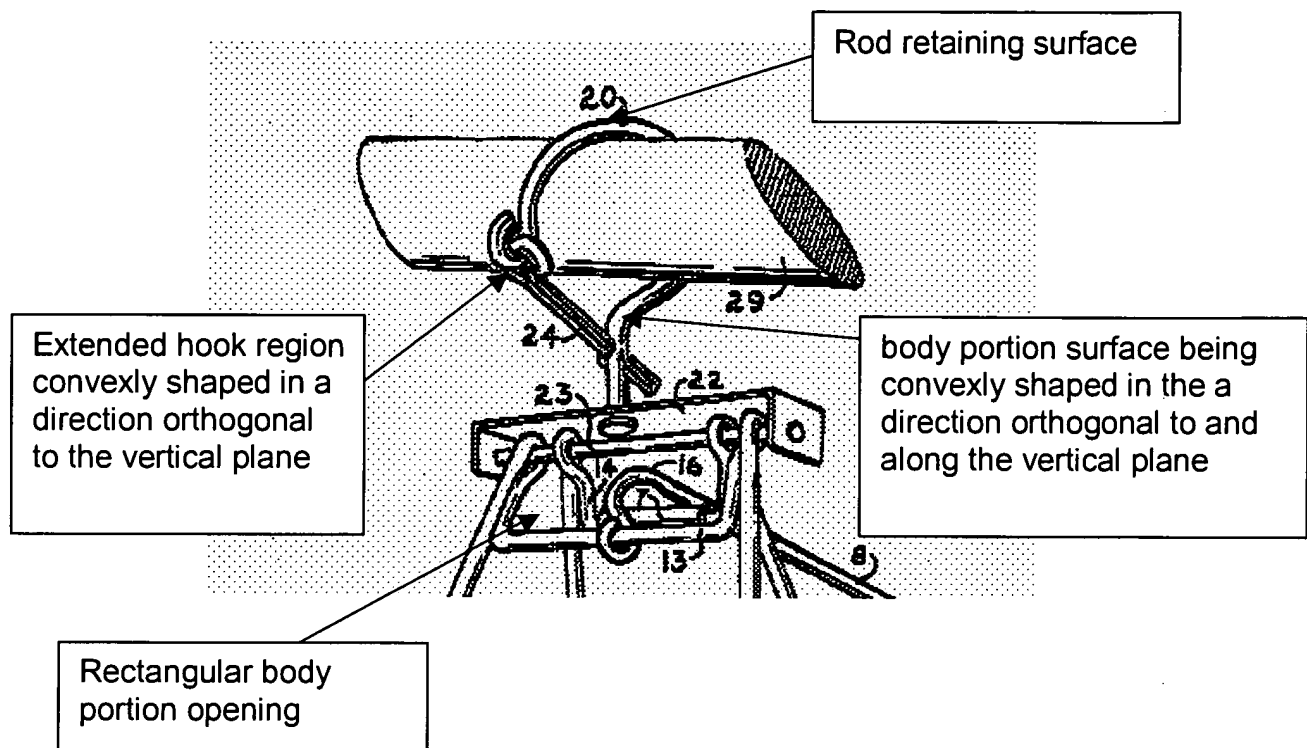
Claims 2, 4, 13, and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant independent claims are drawn to the embodiment of figures 7a-7b with the resistant opening 27 and convex extended hook region and body surfaces and does not read on the other embodiment. However, the claimed embodiment of figures 7a-7b does not show plural openings. Consequently, such claimed features for figures 7a-7b are not disclosed by the original specification and constitutes new matter.

***Claim Rejections - 35 USC § 102***

Claims 29 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Oatley (US patent no. 70,884). Oatley discloses all the claimed features of applicant's invention (see illustration below).



Claims 27, 29, 31, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (US patent no. 3,972,455). Collins discloses all the claimed features of applicant's invention (see illustration below).

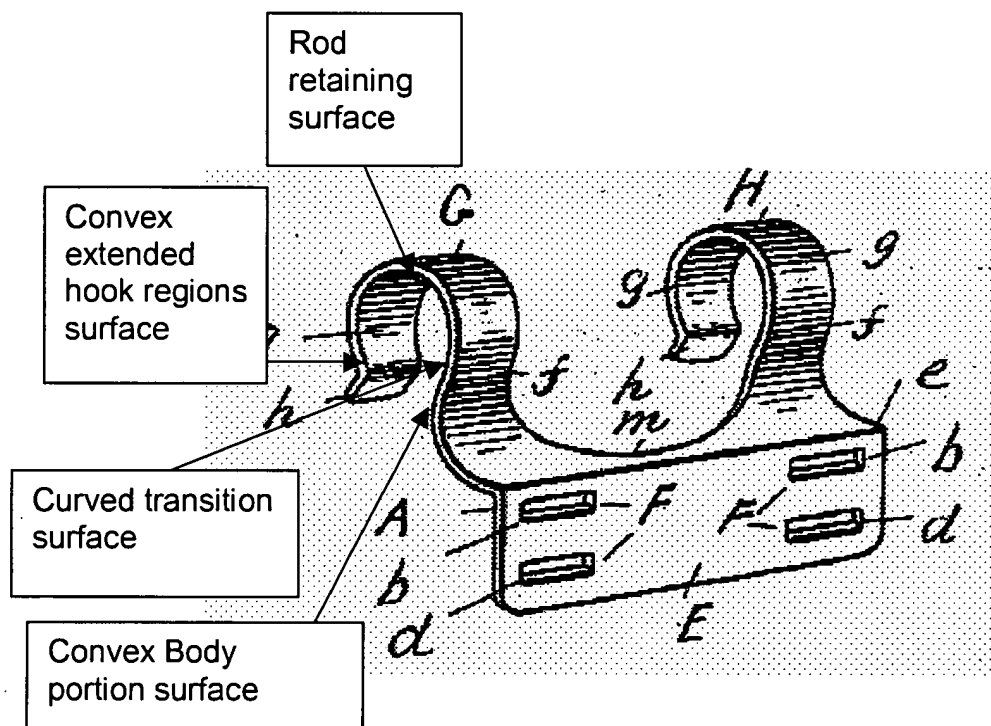


### ***Claim Rejections - 35 USC § 103***

Claims 13, 14, 18, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (637,733) in view of Adkins (US patent no. 5,083,813). Hall discloses a device for holding hangers comprising a hook portion (G, figure 2) having all the claimed features as illustrated below and a body portion having rectangular openings (b, d, figure 2) a strap (B, figure 1) threaded through each opening. However, Hall does not disclose the rod as having a diameter of approximately a same size as the first dimension of the hook opening. To provide the first dimension of the hook opening to be at least approximately a same size as the diameter of the rod in order to provide an impeding opening is old and well-known. Adkins teaches providing

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a hook opening (16, figure 4) being approximately a same size as the diameter of the rod (28 and Col. 3, lines 20 only "slightly less"). It would have been obvious to one of ordinary skill in the art to have made Hall's hook opening to be of approximately the same size as the rod diameter as taught by Adkins to facilitate the well-known advantage of providing an impeding opening.



### ***Response to Arguments***

Applicant's arguments filed December 23, 2005 have been fully considered but they are not persuasive. Regarding Hall in view of Adkins, applicant argues that if the opening of Hall is taught to be "slightly less" than the diameter of the handle bar as

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taught by Adkins would teach away from Hall's disclosure which discloses the hook to "nearly surround" to prevent its each detachment thereof. Examiner respectively disagrees. The hook of Hall is of spring, and the spring "cling to and hold the bar" (Lines 52-53). As shown in Hall in figure 1, the hook that is described as "nearly surround" does not fully encircle. Adkins teaches the same type of hanger hook suspended on a bar and disclose that the opening is slightly less which is constitutes applicant's claimed approximately equal to the diameter of the bar and such arrangement does prevents easy detachment.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Korie H. Chan  
Primary Examiner  
Art Unit 3632

khc  
January 19, 2006